

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**WESLEY MCANALLY, ON BEHALF OF
HIMSELF AND ALL OTHERS
SIMILARLY SITUATED,**

Plaintiff

V.

**ELITE FIBER, LLC, JOHN
MUSCHALEK AND LINDA
MUSCHALEK, INDIVIDUALLY**

Defendants

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CASE NO. 5:24-CV-1393

**ORDER ON DEFENDANTS' COMBINED MOTION TO DISMISS AND MOTION FOR
A MORE DEFINITE STATEMENT OF PLAINTIFF'S ORIGINAL COMPLAINT**

On this day, the Court considered Defendants Elite Fiber LLC, John Muschalek, and Linda Muschalek’s Combined Motion to Dismiss and Motion for a More Definite Statement of Plaintiff’s Original Complaint pursuant to Rule 12(b)(6) and 12(e) of the Federal Rules of Civil Procedure (the “Motion”). After consideration of the Motion, any responses and replies thereto, all evidence, and any arguments of counsel, the Court is of the opinion that the Motion should be GRANTED. It is therefore,

ORDERED that Defendants' Combined Motion to Dismiss and Motion for a More Definite Statement of Plaintiff's Original Complaint pursuant to Rule 12(b)(6) and 12(e) of the Federal Rules of Civil Procedure as identified above is hereby GRANTED; It is further

ORDERED, that Plaintiff's Original Complaint be struck, and that the case is DISMISSED as to all claims against Defendants with prejudice to refile the same.

SIGNED THIS day of , 2025.

UNITED STATES DISTRICT JUDGE